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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,220	02/11/2004	Peter Althaus	2360-0403P	9996
2292	7590	04/21/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CARIASO, ALAN B	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 04/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,220

Applicant(s)

ALTHAUS, PETER

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 2-8, 11, 12, 14, 15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) 9 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20060127 2/11/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's amendment filed 27 January 2006 is acknowledged. Claims 2-9 and 11-18 are pending, of which claims 2-9 and 11-13 are amended and claims 14-18 are newly submitted.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the LED sheet (claim 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 22, 24, 25 and 26 (fig.3). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: LED sheet.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 14 recites "an aperture angle and desired direction of a light cone illuminating the surrounding area can be adjusted" is indefinite as lacking definite structure or structural relationships with the claimed parts to define the source of the aperture angle and light cone and support the function of adjustability.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 2, 3, 5, 7, 8, 11, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by GEORGES et al (WO /01/18776).
11. GEORGES discloses an apparatus (figure 3) for illuminating a sign (c), the apparatus comprising: a unit (1) or that is attachable to the sign (c), at least on light (top lights 4, fig.3) that illuminates the sign (c), a power supply (7) that is separate from a main power supply (by virtue of its own energy source (7,11)); at least one light emitting

Art Unit: 2875

diode (LED 4) spotlights (any of the lateral or bottom LEDs 4) that illuminates an area (adjacent edges f,g,h,i in fig.3) surrounding the sign (c), at least one sensor (18,19) that controls the illumination of the area around the sign (c); wherein the power supply (7) is contained in the unit (1, fig.3); at least one solar cell (12) and at least one rechargeable battery (9) to absorb and to store the necessary electrical energy (pg.4, lines 17-21); wherein the light (top lights 4) that illuminates the sign (c) is an LED sheet (pg.3, lines 34-35, "diodes electroluminescentes") which is fitted to the sign (fig.3); wherein the unit (1) includes adjacent length parts around the sign that forms an L-shape (fig.3).

12. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by TSAO (US 6,031,468).

13. TSAO discloses an apparatus for illuminating a sign (12), the apparatus comprising: a unit (14) that is attachable to the sign (12), the unit (10) being L-shaped (fig.2C) with a horizontal limb (32) and a vertical limb (30); at least one light (26) or an LED sheet (26, col.4, lines 1-4) that is fitted to the sign (12) in order to illuminate the sign or an area surrounding the sign (col.2, lines 63-65); and a power supply (energy storage unit 25) that is separate from a main power supply (by virtue of its own energy storage unit 25); wherein the unit (14) is attached to the sign (12) with at least one attachment point (38,70, col.3, lines 42-47 & 50-54) on each limb (30,32).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over GEORGES et al (WO /01/18776) in view of JONES (US 6,107,941).

16. Claim 4 recites the solar cells being adjustably arranged, not disclosed by GEORGES. JONES teaches an adjustably arranged solar cell (52, col.5, lines 34-36) for the purpose of maximizing solar energy collection. It would have been obvious to one having ordinary skill in the art to modify the sign apparatus of GEORGES to include the type of mounted solar cell as taught by JONES in order to adjust the positioning of the solar cell to maximize solar energy collection, providing sufficient power or stored power for operation of the lighting device.

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over GEORGES et al (WO /01/18776) in view of CINCOTTA et al (US 3,786,245).

18. Claim 6 recites attachment elements for attaching the unit to a frame which surrounds the sign not disclosed by GEORGE. CINCOTTA teaches attachment elements (20,22 col.3, lines 23-25) attaching the unit (10) to a frame (12) for the purpose of attaching and positioning the light around the display by the frame without damaging the sign. It would have been obvious to one having ordinary skill in the art to

Art Unit: 2875

modify the sign apparatus of GEORGES to include the type of attachment elements and frame as taught by CINCOTTA et al in order to attach the lighting unit to the display/sign providing surrounding or direct illumination of the sign or display without damage to the display.

Allowable Subject Matter

19. Claims 9 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. Claim 16 is allowed.

21. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not suggest the attachment element including a rail wherein a groove formed in the unit may be pushed onto the rail to attach the unit to the frame.

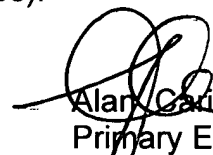
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cardoso
Primary Examiner
Art Unit 2875

April 17, 2006

AC